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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/786,622

02/24/2004

Kazumasa Inoue

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BEYER WEAVER LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

EXAMINER

CHEUNG, WILLIAM K

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

06/20/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/786,622</p>	<p>Applicant(s) INOUE ET AL.</p>	
	<p>Examiner WILLIAM K. CHEUNG</p>	<p>Art Unit 1796</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 June 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: none.
Claim(s) objected to: none.
Claim(s) rejected: 1 and 10.
Claim(s) withdrawn from consideration: none.

AFFIDAVIT OR OTHER EVIDENCE

8. ☒ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/William K Cheung/
Primary Examiner, Art Unit 1796
June 17, 2008

Continuation of 3. NOTE: Although applicants are submitting an amendment to resolve the 112 rejection set forth, however, claim 1 as written fails to include "Formula 3" from the claim 1 of January 29, 2008. Therefore, claim 1 introduces new issue that makes the argument filed June 11, 2008 are unsupported by the claims as presented.

Continuation of 11. does NOT place the application in condition for allowance because: In view of new issues, the argument filed June 11, 2008 regarding component B (argument June 11, 2008, page 9, component B) where "the component has one end of polypropylene glycol by an alkyl group (A3) with 3-5 carbon atoms" is not supported by the claims 1 and 10 as written. Regarding applicants' argument that product by process claims 1 and 10 would produce polymers having structural formula of Formula A-1 and Formula A-2, the examiner disagrees because there is not an indication that the first, second, or the third process would run according the argument as present (at a 100 percent yield without side reaction) to obtain the copolymers or grafted copolymers of Formula A-1 and Formula A-2. If applicants are definitive that the argued structures, applicants should consider including the argued structures into the claims. Therefore, the examiner has a reasonable basis that the proposed structures for component A is not supported by the claims as written. In view of the reasons set forth above, claims 1, 10 stand rejected for the reasons adequately set forth by paragraph 6 of the final rejection of April 16, 2008. Although applicants argue that Fischer teach an alkyl aryl polyoxyalkene, not an alkyl polyoxyalkene, applicants fail to recognize that the teachings of Fischer is not limited to alkyl aryl. The teachings of Fischer can also be on just the alkyl group since the alkyl group of Fischer is the group that is controlling the properties of the disclosed polyoxyalkene compound, as evident by that the alkyl group ranges 4 to 18 carbons for controlling or varying chemical properties. Regarding the second declaration filed June 11, 2008, because applicants fail to provide a showing of good and sufficient reasons why the affidavit is necessary and was not earlier presented, the declaration filed June 11, 2008 has not been entered and is not considered in this advisory action.